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**UNITED STATES DISTRICT COURT
 NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,) Criminal Case No. 08-00016

Plaintiff,

v.

LARRY BORJA HOCOG,

Defendant.

**MOTION IN LIMINE TO
 EXCLUDE CERTAIN PERSONS
 FROM THE COURTROOM**

Hearing: July 3, 2008
 Time: 1:30 p.m.
 Judge: Hon. Alex R. Munson

COMES NOW, plaintiff United States of America, by and through the undersigned attorneys, and hereby requests a hearing on an order to exclude Representatives Luis P. Crisostomo, Justo S. Quitigua, and Stanley T. Torres, as well as Senators Paul A. Manglona, Victor B. Hocog, and Pete P. Reyes, from the courtroom for the duration of the trial, except as they may be called upon to testify.

STANDARD FOR EXCLUSION

The government recognizes that the Sixth Amendment grants criminal defendants the right to a public trial. However, this right is not absolute and must yield to the fair and efficient administration of justice. See Waller v. Georgia, 467 U.S. 39, 45 (1984). The Ninth Circuit recognizes a trial judges's authority to exclude certain persons from the courtroom if there is

1 substantial reason. United States v. Sherlock, 969 F.2d 1349, 1357 (9th Cir. 1992)(as amended). The
2 determination to exclude requires three steps: First, the Court must hold a hearing on the disclosure
3 and allow those to be excluded an opportunity to be heard; second, the Court must make factual
4 findings to support the closure; finally, the Court must consider reasonable alternatives to the
5 exclusion. Id., at 1358-59.

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7 BASIS FOR THE REQUEST

8 The government has become aware of at least two instances whereby prospective witnesses
9 were confronted by one or more of the above-named persons who acted in a manner that could be
10 construed as an attempt to influence their testimony. Because it is likely that some of the jurors will
11 be employees of the CNMI government, and several witnesses *are* employees of the CNMI
12 government, the presence of a highly-placed government official may intimidate the witnesses and
13 inhibit the jury's ability to achieve a fair decision, based solely on the law and the facts of this case.

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15 Respectfully submitted this 3rd day of July, 2008.

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17 LEONARDO M. RAPADAS
18 United States Attorney
19 District of the Northern Mariana Islands

20 By: /s/
21 ERIC S. O'MALLEY
22 Assistant U.S. Attorney
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